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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAROSLAW JASTRZEBSKI; ZACHARY
ENGLAND; DANIEL BERRO;
CHRISTOPHER OBERLE; SETH DUHY;
ROBERT SMITH; SHANE ENGLE; JAMIE
EDELMA; DANIEL MORRIS; DOUGLAS
MCKEEVER; ASHLEY KELLY; ZACHARY
MITCHELL; JOHNNY MITCHELL; TREVOR
GOFF; and TAYLOR DOYLE, individually
and on behalf of others similarly situated,

Plaintiffs,

vs.

DAVID COPPERFIELD; CHRISTOPHER
KENNER; DAVID COPPERFIELD'S
DISAPPEARING INC., a Nevada Corporation;
BACKSTAGE EMPLOYMENT AND
REFERRAL, INC., a Nevada Corporation; and
IMAGINE NATION COMPANY, a foreign
corporation,

Defendants.

Case No. 2:14-cv-00250-GMN-CWH

**STATUS REPORT, STIPULATION
AND REQUEST FOR FINAL
APPROVAL OF COLLECTIVE
ACTION SETTLEMENT**

1 The parties, by and through their respective counsel of record, hereby file their status
2 report concerning the execution of the Parties' Collective Action Settlement Agreement
3 ("Settlement"), and stipulate and request that this Court issue an Order granting final approval of
4 the Settlement. In support of this Status Report, Stipulation and Request, the parties state as
5 follows:

6 1. Plaintiffs filed a Complaint in this Court on February 15, 2014 (Docket No. 1)
7 alleging a collective action for unpaid wages under Section 16(b) of the Fair Labor Standards
8 Act ("FLSA"), 29 U.S.C. § 216(b), *et. seq.*

9 2. Plaintiffs filed an Amended Complaint identifying eight (8) additional named
10 plaintiffs on June 23, 2014 (Docket No. 22).

11 3. On June 27, 2014, Plaintiffs filed their Motion For Circulation of Notice of
12 Pendency of This Action and Conditional Certification of Collective Action Under 29 U.S.C. §
13 216(B) (Docket No. 24).

14 4. On November 20, 2014, the Parties reached a settlement on the major issues of
15 compensation and payment, and later on issues of language and implementation of the settlement
16 agreement.

17 5. Thereafter, on February 18, 2015, the Parties filed a Joint Motion for Preliminary
18 Approval of Settlement (Docket No. 37) setting forth the legal and factual basis for the Court's
19 approval of the Settlement and the form of the notification to the collective action members.

20 6. Having determined that the Settlement was fair and reasonable under the law, the
21 Court granted the Parties' Joint Motion for Preliminary Approval of Settlement on February 23,
22 2015 (Docket No. 38). In doing so, the Court authorized the sending of notice to all collective
23 action members in the form attached to the Settlement, and certified the collective action for
24 settlement purposes.

25 7. Pursuant to the Settlement, on March 25, 2015, counsel for Defendants, as the
26 Settlement Claims Administrator, mailed the approved notices to the fifty-five (55) designated
27 collective action members via first-class mail, postage prepaid. The Collective Action Notice
28

1 advised Collective Action Members that they could file an objection to the Settlement as long as
2 the objection was post-marked by May 24, 2015. The Collective Action Notice also advised
3 Collective Action Members that if they wanted to participate in the Settlement and receive
4 money under the Settlement then they must fully and accurately complete, sign and date the
5 claim form and mail it with a postmark date of no later than May 24, 2015 to the Claims
6 Administrator (Defendants' counsel Kamer Zucker Abbott). The Claim Forms were pre-
7 populated with the Settlement Award that the Claimant will receive related to the valid claim.
8 The Collective Action Member's names and address were applied to each claim form.

9 8. Of the 55 Claim Forms sent, 3 Notices were returned as undeliverable without a
10 forwarding address. Defendants' counsel subsequently used PeopleFind on Westlaw Next to
11 determine a current address for those 3 Claimants. New addresses were determined and the 3
12 Claim Forms were immediately re-mailed. Of the 3 resent Claim Forms, 2 were subsequently
13 submitted as valid claimants, and no further response has been received from the third.

14 9. Defendants' counsel has received forty-seven (47) valid and timely Claim Forms,
15 representing 85% of the total collective action membership. Of the 47 Claim Forms, the total
16 Settlement Award amount is \$388,894.96.

17 10. Defendants' counsel has not received any correspondence from individuals, who
18 were not included in the Claimant List, requesting inclusion in the Settlement Class.

19 11. Defendants' counsel has not received any Objection Requests or Exclusion
20 Requests.

21 12. A fairness hearing for the Court to reach a final determination about whether the
22 proposed settlement should be approved as a fair, adequate, and reasonable resolution of the
23 dispute has been scheduled for June 2, 2015.

24 13. 47 of the 55 collective action members filed valid/approved claim forms, with no
25 one requesting to opt out, and no one objecting. This positive response strongly favors final
26 approval.

14. As set forth in the Parties' Joint Motion for Preliminary Approval, the Settlement provides a fair and reasonable resolution of the dispute based on the Parties' relative strengths and weaknesses of their respective cases, the risks associated with litigation, and the settlement amount paid out to the collective action members.

WHEREFORE, the parties respectfully request that this Court issue an Order granting final approval of the settlement. An Order Approving Collective Action Settlement has been submitted contemporaneously with this Stipulation.

DATED this 1st day of June, 2015.

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